

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: DIGITEK PRODUCT LIABILITY
LITIGATION**

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

**DEFENDANTS' MOTION TO SET A BRIEFING SCHEDULE ON PLAINTIFFS'
CROSS-MOTION TO EXPAND AND DEFINE THE SCOPE OF DISCOVERY**

Defendants Actavis Totowa LLC, Actavis Inc., and Actavis Elizabeth LLC ("Defendants") respectfully move this Court to establish a briefing schedule on Plaintiffs' Cross-Motion to Expand and Define the Scope of Discovery.

On June 9, 2009, Plaintiffs filed a Response to Defendants' Motion to Quash and, simultaneously, filed a Cross-Motion to Expand and Define the Scope of Discovery. (ECF No. 136.) By this Court's June 4, 2009 Order, Defendants' reply brief in support of their Motion to Quash is due June 15, 2009 and Defendants will timely file a reply. (ECF No. 135.) The Court's June 4, 2009 Order setting the schedule for briefing the issues raised by Defendants' Motion to Quash or Modify the subpoena was entered prior to the Cross-Motion to Expand and Define the Scope of Discovery and, therefore, does not set a briefing schedule for Plaintiffs' Cross-Motion. By this Motion, Defendants ask the Court to set a briefing schedule on Plaintiffs' Cross-Motion to Expand and Define the Scope of Discovery. Defendants will not file a brief in support of this Motion.

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CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2009, a copy of the foregoing Motion to Set a Briefing Schedule on Plaintiffs' Cross-Motion to Expand and Define the Scope of Discovery was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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